

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

The Applicants appreciate the Examiner's indication that claims 6-8 and 11-13 are allowed.

By the foregoing amendment, claims 1 and 10 have been amended. Thus, claims 1-14 are currently pending in the application, with claims 1-5, 9-10 and 14 subject to examination.

In the Office Action mailed December 8, 2005, claims 1-5, 9, 10, and 14 were rejected under 35 U.S.C. § 102(e) as being anticipated by Oka et al. (2003/0131659, hereinafter, "Oka"). It is noted that claims 1 and 10 have been amended. To the extent the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

Claims 1 and 10, as amended, recite, in part:

time comparing means for comparing the measured period of time with a predetermined value indicative of a period of time until the thermostat presumably opens after the engine starting calculated based on at least the temperature of the coolant at engine starting, a load of the engine, and a speed of a vehicle on which the engine is mounted...

Oka discloses determining a period of time (predetermined period of time) based on the temperature of the coolant when the engine is started. However, Oka neither discloses nor suggests calculating a predetermined period of time based on at least the temperature of the coolant at engine starting, a load of the engine, and a speed of a vehicle on which the engine is mounted, as recited in claims 1 and 10, as amended.

For at least this reason, the Applicants submit that independent claims 1 and 10, as amended, are allowable over Oka. As claims 1 and 10 are allowable, the Applicants submit that claim 2-5, 9 and 14, which depend from allowable claims 1 and 10, respectively, are likewise allowable.

Conclusion

For all of the above reasons, it is respectfully submitted that the claims currently pending are in condition for allowance and a Notice of Allowability is earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is invited to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300 referencing client matter number **107101-00055**.

Respectfully submitted,

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